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09/604,470	06/26/2000	MICHAEL D ELLIS	UV-152	5098
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FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/604,470

Applicant(s)

ELLIS ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-159 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-159 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/18/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 53, 80, and 133 have been considered but are moot in view of the new grounds of rejection.
2. In response to applicant's argument that there is no suggestion to combine the references (applicant's response, page 32), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, where the motivation is not explicitly cited by the reference, the motivation is found in knowledge generally available to one of ordinary skill in the art.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 7, 13, 19, 20, 21, 22, 23, 29, 30, 32, 35, 36, 43, 44, 46, 49, 53, 54, 56, 59, 63, 69, 70, 71, 72, 73, 80, 82, 85, 91, 97, 98, 99, 100, 101, 108, 109, 111, 114,

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115, 122, 123, 125, 128, 132, 133, 134, 136, 139, 143, 149, 150, 151, 152, and 153 rejected under 35 U.S.C. 103(a) as being unpatentable over Alten et al. (5,781,246, of record) [Alten] in view of Florin et al. (5,594,509) [Florin].

Regarding claims 1 and 80, Alten discloses an interactive television program guide system, and corresponding method, with niche hubs (fig. 6, selectable features 61A, 62A, 63A, 64A, col. 15, lines 23-35, and categories, col. 16, lines 52-63 and col. 29, lines 54-67) comprising:

User television equipment (fig. 1) that is connected to a television distribution facility ('data provider, col. 7, lines 40-52) and that is configured to support an interactive television program guide (fig. 6) with interactive program features (selectable features in 61-64 in fig. 6, col. 15, lines 11-35) related to a category of television programming (col. 16, lines 52-62), the interactive television features comprising listings of television programs related to the category (fig. 19, col. 16 line 62 – col. 17 line 7) and other features related to the category (col. 30, lines 6-23) being organized into a niche hub within the interactive program guide (col. 29, lines 54-67), the user television equipment being configured to provide a particular user with an opportunity to use the interactive television features related to the category of television programming within the niche hub (col. 30, lines 1-23); and

A data storage device (DRAM 18 in fig. 1) for storing data used with the interactive television features and for providing the data to the particular user

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television equipment for display on that user television equipment within the niche hub (col. 9, lines 1-18).

Alten fails to disclose the niche hub is customized for the particular user.

In an analogous art, Florin teaches customizing categories for particular users in an electronic program guide (col. 20, lines 2-24), for the benefit of providing customized categories that contain items of particular interest to a certain user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Alten to include customizing a niche hub for the particular user, as taught by Florin, for the benefit of providing customized niche hubs that contain items of particular interest to the particular user.

Regarding claims 53 and 133, Alten discloses an interactive television program guide system, and corresponding method, with niche hubs (fig. 6, selectable features 61A, 62A, 63A, 64A, col. 15, lines 23-35, and categories, col. 16, lines 52-63 and col. 29, lines 54-67) comprising:

User television equipment (fig. 1) that is connected to a television distribution facility ('data provider, col. 7, lines 40-52) and that is configured to support an interactive television program guide (fig. 6) with a plurality of interactive program features (selectable features in 61-64 in fig. 6, col. 15, lines 11-35), the user television equipment being configured to provide the user with

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an opportunity to select any of the plurality of interactive television features to be part of a niche hub ('Channel Preference' list, col. 25, lines 18-25 that is configured by the user, col. 26, lines 5-9, 34-38) and being configured to display data related to the interactive television features within the niche hub (display of data is within the MENU mode, col. 26, lines 54-60); and

A data storage device (DRAM 18 in fig. 1) for storing data used with the interactive television features and for providing the data to the user television equipment for display on that user television equipment within the niche hub (col. 9, lines 1-18).

Alten fails to disclose the niche hub is named by the user and is accessed by selecting an option identified by the name selected by the user.

In an analogous art, Florin teaches naming special categories by a user which are then accessed by selecting an option identified by the name selected by the user (col. 20, lines 2-24, wherein the user named categories include such titles as "Mom" or "Joe", and are selected by identifying said titles), for the benefit of creating specialized lists of content that are readily identifiable by a descriptive, user defined name.

Regarding claims 4, 7, 13, 19, 20, 21, 22, 23, 29, 30, 32, 35, 43, 44, 46, 49, 54, 56, 59, 63, 69, 70, 71, 72, 73, 82, 85, 91, 97, 98, 99, 100, 101, 108, 109, 111, 114, 122, 123, 125, 128, 132, 134, 136, 139, 143, 149, 150, 151, 152, and 153, Alten and Florin disclose the system and method of claims 1, 53, 80, and

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133, and Alten also discloses the television programming features of the niche hub comprise:

- Pay per view listings (fig. 6, icon 62A and figs. 22-24A, col. 15, lines 26-27 and col. 17 line 59 – col. 18 line 1)
- User help features (col. 28 line 63 – col. 29 line 4)
- Options to purchase related merchandise (col. 30, lines 1-23)
- Related trivia (col. 30, lines 1-23)
- Option to set reminders (col. 14, lines 30-66 and col. 18, lines 26-30)
- Ability to purchase premium channels (fig. 9)
- News stories (fig. 34)
- Real time data related to the category of the niche hub (col. 30, lines 1-23)
- A movies category (fig. 19, 'Movies' 190A)
- A sports category (fig. 19, 'Sports' 190B)
- Sports scores (col. 30, lines 1-23)
- A family category (fig. 19, 'Children', 190D)
- A news category (fig. 19, 'News' 190C) comprising stock data (fig. 32)
- A local information category ('messages', col. 19, lines 26-36)
- A television lover's category (col. 18, lines 58-65)
- Guide listings (fig. 18)

- And the storage device is part of the local user equipment (DRAM 18, fig. 1).

Regarding claims 36 and 115, Alten and Florin disclose a parental control programming feature (Alten, fig. 7, option 70, col. 19, lines 49-62), but fails to specifically disclose this feature is a programming feature of the 'Family' niche hub.

The particular placement of access to the parental control programming feature has no impact upon the utility of the invention disclosed by Alten and Florin. Placing access to the parental control programming feature in the 'Family Programming' niche hub would retain the exact same benefit and function, such as being intuitively easy to find, as the current placement of the parental control programming feature as disclosed by Alten (who places it under the 'viewer preferences' category).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Alten and Florin to include parental control features in the 'Family Programming' niche hub, for the benefit of placing access to the parental control programming feature in an intuitive and easy to find location.



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5. Claims 2, 17, 38, 47, 48, 51, 52, 67, 95, 117, 126, 127, 130, 131, and 147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 53, 80, and 133 above, and further in view of Rowe et al. (5,623,613, of record) [Rowe].

Regarding claims 2, 51, and 130, Alten and Florin disclose the system and method of claims 1 and 80, but fail to disclose listings related to a sub genre within a category and programming features are organized into areas related to a sub-category of the category.

In an analogous art, Rowe teaches displaying listings related to a sub genre within a category (fig. 2, listings 56) wherein the programming features are organized into areas related to a sub-category of a category (sub category display 54 in fig. 2 is split into individual sub-categories of the selected category), making finding objects of interest more convenient and faster (col. 11, lines 1-14).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method disclosed by Alten and Florin to include listings related to a sub genre within a category and organizing programming features into areas related to a sub-category of the category, as taught by Rowe, for the benefit of finding objects of interest, such as program titles, by a user faster and more efficient.

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Regarding claims 38, 47, 48, 117, 126, and 127, Alten and Florin disclose the system and method of claims 1 and 80, but fail to disclose the category of the niche hub is soap opera, culture, or music.

In an analogous art, Rowe teaches categories of a program guide include soap opera (col. 12, line 6), culture (Spanish and religious selection, found in Table I in columns 11-13), and music (Table I, columns 11-13), for the benefit of offering a great variety of services (col. 2, lines 1-9 and col. 13, lines 21-33).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include niche hub categories of soap opera, culture, and music, as taught by Rowe, for the benefit of offering a great variety of services to users.

Regarding claims 17, 67, 95, and 147, Alten and Florin disclose the system and method of claims 1, 53, 80, and 133, but fail to disclose the programming features of the niche hub include interviews associated with the category of the niche hub.

In an analogous art, Rowe teaches including interviews material offered several categories (Table I in cols. 11-13, 'interview' sub categories are listed under 'Magazine', 'Sports Non-Event', 'Sports Talk', and 'Talk', categories), for the benefit of offering a great variety of services (col. 2, lines 1-9 and col. 13, lines 21-33).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include programming features of the niche hub includes interviews associated with the category of the niche hub, as taught by Rowe, for the benefit of offering a great variety of services to users.

Regarding claims 52 and 131, Alten and Florin disclose the system and method of claims 1 and 80, but fail to disclose the data storage device is a server connected to the user television equipment through a communication path.

In an analogous art, Rowe teaches receiving data used with an interactive television program guide from a head end processor over a cable distribution network (col. 10, lines 1-7), for the benefit of conserving user end memory (col. 10, lines 14-19).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to locate the data storage device on a server connected to the user television equipment through a communication path, as taught by Rowe, for the benefit of conserving the memory (and thus lowering the cost per unit) of the user end television equipment.

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6. Claims 3, 14, 50, 55, 64, 81, 92, 129, 135, and 144 rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 49, 53, 80, 128, and 133 above, and further in view of Schein et al. (6,075,575, of record) [Schein].

Regarding claims 3, 55, 81, and 135, Alten and Florin disclose the system of method of claims 1, 53, 80, and 133, but fail to disclose the programming features comprise video on demand.

In an analogous art, Schein teaches including video on demand service in an electronic program guide (fig. 6B).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include video on demand, as taught by Schein, for the benefit of improving the program guide by increasing the services available.

Regarding claims 14, 50, 64, 92, 129, and 144, Alten and Florin disclose the system and method of claims 1, 49, 53, 80, 128, and 133, but fail to disclose a searchable database of program listings.

In an analogous art, Schein teaches including a searchable database of program listings (col. 12, lines 11-33 and col. 13 lines 21-35), facilitating the retrieval of desired programs.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include a searchable

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database of program listings, as taught by Schein, for the benefit of making it easier and more convenient for users to find desired programs.

7. Claims 5, 8, 9, 10, 11, 12, 15, 26, 27, 28, 57, 60, 61, 62, 65, 76, 77, 78, 83, 86, 87, 88, 89, 90, 93, 104, 105, 106, 137, 140, 141, 142, 145, 156, 157, and 158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 53, 80, and 133 above, and further in view of Alexander et al. (6,177,931, of record) [Alexander].

Regarding claims 5, 8, 9, 10, 11, 12, 15, 26, 27, 28, 57, 60, 61, 62, 65, 76, 77, 78, 83, 86, 87, 88, 89, 90, 93, 104, 105, 106, 137, 140, 141, 142, 145, 156, 157, and 158, Alten and Florin disclose the system and method of claims 1, 53, 80, and 133, but fails to disclose the programming features of the niche hub comprise:

- Web site links related to the category
- Listing and notifying users of suggested programs based on a user's programming preferences
- Targeted advertising based on a user's programming preferences
- The ability to record a program
- Personal profiles of users
- Chat groups related to categories; and
- The ability to send messages to other users.

In an analogous art, Alexander teaches an interactive program guide with niche hubs related to categories of programming (col. 7, lines 45-56), wherein the programming features of the niche hubs include:

- Web site links related to the category (col. 8, lines 36-64, col. 17, lines 48-57, and col. 18, lines 1-12)
- Listing ('watch list', col. 31, lines 25-30) and notifying users of suggested programs based on a user's programming preferences (col. 14, lines 58-62)
- Targeted advertising based on a user's programming preferences (col. 27, lines 3-7, col. 32, lines 22-34, and col. 34, lines 31-35)
- The ability to record a program (col. 13, lines 23-34)
- Personal profiles of users (col. 17, lines 13-18, 27-37, and col. 28, lines 10-21)
- Chat groups related to categories (col. 8, lines 61-64, col. 17, lines 48-57, and col. 18, lines 33-37); and
- The ability to send messages to other users (col. 13, lines 40-45).

All of which are improvements to an EPG (col. 5, lines 54-55 and the subsequent list in columns 5-6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include:

- Web site links related to the category

- Listing and notifying users of suggested programs based on a user's programming preferences
- Targeted advertising based on a user's programming preferences
- The ability to record a program
- Personal profiles of users
- Chat groups related to categories; and
- The ability to send messages to other users

These features are all taught by Alexander for the benefit of improving upon an electronic program guide through added features which increase the usefulness of an EPG.

8. Claims 6, 37, 58, 84, 116, and 138 rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 35, 53, 80, 114, and 133 above, and further in view of Herz et al. (5,835,087, of record) [Herz].

Regarding claims 6, 58, 84, and 138, Alten and Florin disclose the system and method of claims 1, 53, 80, and 133, but fail to disclose the programming features include newsgroups.

In an analogous art, Herz teaches using newsgroups to distribute messages to members of Virtual Communities (col. 77, lines 43-51, wherein 'Virtual Communities' are defined by a common interest or topic, col. 73, lines 48-56), providing a diverse source of information regarding a particular interest or topic to those who are interested.

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It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include newsgroups, as taught by Herz, for the benefit of providing a diverse source of information regarding a particular interest or topic to those users who are interested.

Regarding claims 37 and 116, Alten and Florin disclose the system and method of claims 35 and 114, but fail to disclose the television programming features of the niche hub include pen-pal email clubs.

In an analogous art, Herz teaches connecting individuals of a network through pen pal email clubs (a virtual communities of people of common interest who exchange email with one another, col. 79, lines 5-9), for the benefit of communication among individuals that is relevant to a specific category or interest.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include pen pal email clubs, as taught by Herz, for the benefit of communication among individuals of the interactive television system that is relevant to a specific category or interest.

9. Claims 16, 66, 94, and 146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 53, 80, and 133 above, and further in view of Brown (5,805,154, of record).



Regarding claims 16, 66, 94, and 146, Alten and Florin disclose the system and method of claims 1, 53, 80, and 133, but fail to disclose the programming features comprise program reviews.

In an analogous art, Brown teaches including program reviews as an option in a program guide ('movie review', col. 5, lines 39-48), enabling a user to read a synopsis or editorial regarding a program for more information.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include program reviews, as taught by Brown, for the benefit of enabling users to read a synopsis or editorial regarding programs for more information, such as in making a more informed decision as whether to watch the reviewed program.

10. Claims 18, 33, 45, 68, 96, 112, 124, and 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 30, 43, 53, 80, 109, 122, and 133 above, and further in view of Klosterman et al. (5,940,073, of record) [Klosterman].

Regarding claims 18, 33, 45, 68, 96, 112, 124, and 148, Alten and Florin disclose the system and method of claims 1, 30, 43, 53, 80, 109, 122, and 133, but fail to disclose the programming features comprise contests, local sports, and weather.

In an analogous art, Klosterman teaches including contests (fig. 3b), local sports (fig. 8, local scores, 810), and weather (fig. 11e).

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It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include contests, local sports, and weather, as taught by Klosterman, for the benefit of improving upon the program guide through added features which increase the usefulness of the EPG.

11. Claims 24, 25, 74, 75, 102, 103, 154, and 155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 53, 80, and 133 above, and further in view of Ferris et al. (WO 99/04568, of record) [Ferris].

Regarding claims 24, 25, 74, 75, 102, 103, 154, and 155, Alten and Florin disclose the system and method of claims 1, 53, 80, and 133, but fail to disclose the programming features include voting and wagering.

In an analogous art, Ferris teaches an interactive television system (fig. 3) that includes voting and wagering options (voting, fig. 2D and wagering, fig. 2G).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Florin to include voting and wagering features, as taught by Ferris, for the benefit of improving upon the program guide through added features which increase the usefulness of the EPG.

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12. Claims 31, 34, 79, 107, 110, 113, and 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten and Florin as applied to claims 1, 30, 53, 80, 109, and 133 above, and further in view of Junkin (5,846,132, of record).

Regarding claims 31 and 110, Alten discloses the system and method of claims 1 and 80, but fails to disclose the programming feature include a sports ticker.

In an analogous art, Junkin teaches displaying a sports ticker (fig. 4A, ticker 50) to display real time, up to the minute scores of in progress sporting events (col. 8, lines 41-51).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten to include a sports ticker, as taught by Junkin, for the benefit of informing an interested user of live, up to the minute scores of sporting events.

Regarding claims 34, 79, 107, 113, and 159, Alten discloses the system and method of claims 30, 53, 80, 109, and 133, but fails to disclose the programming features include fantasy sports leagues.

In an analogous art, Junkin teaches an interactive network for playing fantasy sports leagues (col. 12, lines 18-6 and col. 2, lines 55-65), increasing the interactivity and enjoyment experience by users (col. 2, lines 26-54).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten to include fantasy sports leagues,

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as taught by Junkin, for the benefit of increasing the interactivity and enjoyment experience by users of the interactive television programming guide.

13. Claims 39, 40, 42, 118, 119, and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten, Florin, and Rowe as applied to claims 38 and 117 above, and in further view of White et al. (6,392,664) [White].

Regarding claims 39, 42, 118, and 121, Alten, Florin, and Rowe disclose the system and method of claims 38 and 117, but fail to disclose the television programming features include music tracks on demand and discographies.

In an analogous art, White teaches playing music tracks on demand (col. 7, lines 1-12) along with displaying associated discographies (col. 7, lines 16-20), enabling a user to listen to desired music and learn more about it.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten, Florin, and Rowe to include music tracks on demand and discographies, as taught by White, for the benefit of enhancing the program guide by enabling a user to listen to desired music and learn more about it in addition the other features.

Regarding claims 40 and 119, Alten, Florin, and Rowe disclose the system and method of claims 38 and 117, but fail to disclose the television programming features include choosing background music.

In an analogous art, White teaches using a television system to listen to music (col. 7, lines 1-12), much like using a radio, excepts that users customize the music they wish to listen to for a more personalized playlist (the music is delivered in an 'on demand' fashion, and can be chosen according to genre, col. 7, lines 3-6). It is common for users to use such systems as a form of background music when performing other tasks, such as household chores.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten and Rowe to include setting background music, as taught by White, for the benefit of providing a more personalized source of music for users to enjoy in their household, as opposed to the fixed playlists of conventional FM radio.

14. Claims 41 and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten, Florin, and Rowe as applied to claims 38 and 117 above, and further in view of Funahashi et al. (5,619,425, of record) [Funahashi].

Regarding claims 41 and 120, Alten, Florin, and Rowe disclose the system and method of claims 38 and 117, but fail to disclose the programming features includes a karaoke mode.

In an analogous art, Funahashi teaches a data transmission system which distributes karaoke (fig. 2) while in karaoke mode (col. 13, lines 28-48) which is selectable according to genre or category (col. 4, lines 51-66 and col. 6, lines 7-21).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system and method of Alten, Florin, and Rowe to include a karaoke mode, as taught by Funahashi, for the benefit of improving upon the program guide through added features which increase the usefulness of the EPG.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in

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such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



**HAI TRAN**  
**PRIMARY EXAMINER**